

2.8 Environmental

2.8.1 General

The Design-Builder shall perform all Work necessary to deliver the Project while protecting and enhancing the environment. At a minimum, elements of the Work shall include the following:

- Avoiding impacts to the community and to the environmental, historic, archaeological, and cultural resources beyond those already approved by Governmental Bodies and Tribes. If new impacts are unavoidable, the Design-Builder shall make every effort to minimize the unavoidable impacts. New, unavoidable temporary and permanent impacts shall be mitigated in accordance with all environmental Applicable Law.
- Fostering working relationships with Governmental Bodies, Tribes, and stakeholders by ensuring that the commitments WSDOT and/or the Design-Builder has made are reflected in the Project's final design and are fulfilled during construction. The Design-Builder shall accomplish this by meeting or exceeding all environmental requirements and commitments listed in the PDB Contract, permits, environmental documents, and regulatory agency concurrence letters or documents.
- Complying with all Applicable Laws, which includes recognizing and rectifying issues to avoid permit violations or notifications from a regulatory agency or tribe.
- The Design-Builder is responsible for performing all Work to obtain all Governmental Approvals required for Project completion, and to comply with all commitments in all permits applicable to the project through design and construction.

2.8.2 Mandatory Standards

The following is a list of Mandatory Standards that shall be followed for all design and construction related to this Section as referenced in TR Section 2.2, *Mandatory Standards*.

If the requirements of a Mandatory Standard, programmatic agreement, or permit issued for the Project conflict, then the provisions within the Project-specific permit shall take precedence.

1. Standard Specifications M 41-10 (Appendix 4)
2. WSDOT Standard Plans M 21-01 (Appendix 4)
3. WSDOT *Environmental Manual* M 31-11 (Appendix 4)
4. WSDOT *Hydraulics Manual* M 23-03 (Appendix 4)
5. WSDOT *Highway Runoff Manual* M 31-16 (Appendix 4)

- 1 6. WSDOT *Temporary Erosion and Sediment Control Manual* M 3109 (Appendix
- 2 4)
- 3 7. WSDOT *Design Manual* M 22-01 (Appendix 4)
- 4 8. WSDOT *Construction Manual* M 41-01 (Appendix 4)
- 5 9. WSDOT Fish Exclusion Protocols and Standards (Appendix 4)
- 6 10. Washington State Aquatic Habitat Guidelines Program, Integrated
- 7 Streambank Protection Guidelines (ISPG) (Appendix 4)
- 8 11. WSDOT Monitoring Guidance for In-Water Work (Appendix 4)

9 **2.8.2.1 Interagency Agreements and Memoranda**

10 WSDOT has entered into several interagency agreements with Governmental
11 Bodies and Tribes. The agreements provide guidance and clarification for
12 meeting regulatory requirements. The Design-Builder shall comply with the
13 implementing agreements, memoranda of understanding or agreement, and
14 instructional letters included in Appendix 4 of this PDB Contract.

15 **2.8.3 Personnel Requirements**

16 **2.8.3.1 Environmental Compliance Manager**

17 The Environmental Compliance Manager shall meet the requirements of the
18 RFQ, and shall be as designated in the SOQ unless otherwise approved by
19 WSDOT. The Environmental Compliance Manager (ECM) shall be responsible for
20 the overall environmental compliance for the Project and shall function as
21 principal technical advisor and coordinator for environmental issues.

22 The ECM shall be assigned to the Project and be available on-site full-time to
23 provide assistance and oversight through Culvert Bundle Physical Completion of
24 each Culvert Bundle, including the submittal of the Environmental Commitment
25 Close Out Report. A commitment of less than full-time may be approved by the
26 WSDOT Engineer based on Project needs. If the Design-Builder replaces the ECM,
27 the Design-Builder shall provide an equally or more qualified replacement,
28 contingent upon approval from the WSDOT Engineer. If during the Term, the
29 WSDOT Engineer finds that the ECM is not ensuring full environmental
30 compliance with all permits, provisions, policies, and commitments; then the
31 WSDOT Engineer may require replacement of the ECM in accordance with Article
32 8 of the PDB Contract.

33 The ECM shall also be responsible for the following:

- 34 • Reviewing, understanding and ensuring compliance with all Environmental
- 35 Review and Documentation (Task 8) and Permitting and Approvals (Task
- 36 14) tasks included in Phase 1 Services (Appendix 2)

- 1 • Integrating with the design team during plan preparation and advising
- 2 how to avoid and minimize adverse effects to the natural environment
- 3 and communities through design and construction means and methods
- 4 • Reviewing engineering plans to ensure the Project's design accurately
- 5 reflects environmental commitments and PDB Contract requirements
- 6 • Developing Design-Builder submittals necessary to obtain or modify
- 7 environmental permits; acting as a lead point of contact for the WSDOT
- 8 permitting team, to provide schedule details, quantities, and other
- 9 information as required
- 10 • Coordinating with Design-Builder engineers early to ensure they are aware
- 11 of environmental commitments, and reviewing Plans to ensure they are
- 12 consistent with environmental commitments and permit requirements
- 13 • Ensuring and providing documentation that the Work complies with all
- 14 environmental commitments agreed to in the environmental documents,
- 15 permits, agreements, and approvals of the Project, including maintaining
- 16 and updating the *Commitment Tracking List* (developed during the Phase 1
- 17 Services Period and included in the applicable Culvert Bundle Amendment
- 18 • Attending environmental coordination meetings with Governmental
- 19 Bodies and Tribes, as required for permit compliance, modifications, or
- 20 additional Governmental Approvals
- 21 • Leading Environmental Task Force Meetings, including preparing an
- 22 agenda, facilitating, taking notes, and distributing them
- 23 • Developing and conducting environmental protection training throughout
- 24 the life of the Project
- 25 • Acting as a liaison to WSDOT, the design team, and the construction
- 26 personnel (e.g., submitting reports, discussing changes to the Project,
- 27 communicating compliance issues, and discussing noncompliant events)
- 28 • Attending pre-activity meetings
- 29 • Maintaining the authority and means to bring the Project into compliance
- 30 or stop Work if the Project is out of compliance with any environmental
- 31 Applicable Law, Governmental Approval condition, or commitment
- 32 • Overseeing preparation and implementation of the Temporary Erosion
- 33 and Sediment Control (TESC) Plan, Spill Prevention, Control, and
- 34 Countermeasures (SPCC) Plan, and Water Quality Monitoring and
- 35 Protection Plan (WQMPP) or water quality monitoring plan (if needed) to
- 36 ensure Best Management Practices (BMPs) are effective and maintained
- 37 • Ensuring Sensitive Areas not authorized by Governmental Approvals for
- 38 impacts are protected during construction and are not impacted as a
- 39 result of the Work

- Developing or providing direct supervision to personnel assigned to prepare and implement the Plans described in this Section
- Attending field visits by Governmental Bodies, Tribes, or stakeholders.
- Providing internal Quality Assurance (QA) reviews and documentation that the Work complies with all environmental commitments agreed to in the environmental documents, permits, agreements, and approvals for the Project
- Identifying when a noncompliant event is occurring or has occurred and immediately contacting the WSDOT Engineer in accordance with the environmental communications protocol. Prepare Draft Environmental Compliance Assurance Procedure (ECAP) Incident Reports for WSDOT's Review and Comment within 2 Calendar Days of identifying the noncompliance, and Final ECAP Incident Reports in coordination with WSDOT's Environmental Manager within 7 Calendar Days of the incident
- Ensuring the Environmental Compliance Inspector (ECI), or other certified staff, conducts field inspections as needed to ensure that environmental compliance measures and BMPs are meeting environmental requirements and reviewing Daily Environmental Inspection Reports (DEIRs) prepared by the ECI
- Conducting a weekly walk-through before or after the Environmental Task Force Meeting to inspect BMP effectiveness and maintenance. WSDOT shall be invited to attend the walk-through
- Coordinating with the ECI to determine the priority of field Work
- Managing and closing all environmental commitments

2.8.3.2 Environmental Compliance Inspector

The Design-Builder appointed ECI shall assist and report to the ECM. The ECI shall be responsible for field inspections, identifying noncompliance events (actions that violate environmental permits, agreements, laws, or regulations) and other environmental duties as designated by the ECM. The ECI shall inspect all environmental related field Work at the direction of the ECM. The ECI shall be physically present on-site full-time through Culvert Bundle Physical Completion. A commitment of less than full-time may be approved by the WSDOT Engineer based on Project needs. The ECI shall have a valid Certified Erosion and Sediment Control Lead (CESCL) or Certified Professional in Erosion and Sediment Control (CPESC) Certification before the issuance of the NTP for the Phase 2 Services and shall have a minimum of 4 years of environmental compliance experience or have a bachelor's degree in a civil engineering or an environmental related field with environmental compliance and regulatory experience.

The ECI shall be responsible for producing DEIRs. A DEIR shall be produced for each day of field Work and shall include at a minimum:

- Three photos of environmental compliance activities (representative of the overall Work being completed that day)
- Documentation of environmental compliance issues identified during this inspection and corrective actions recommended or taken

If Work occurs on a night shift, similar reporting shall be included to describe night Work. All photos shall be date and time stamped. The DEIRs will be reviewed by the ECM and then posted or emailed to a distribution list as determined by the WSDOT Engineer within 3 Calendar Days of each daily inspection. If field Work has occurred during any single 24-hour period, then a DEIR shall be produced for that period of Work. Photos and content of the DEIRs shall be submitted to the WSDOT Engineer for Review and Comment. The frequency of the daily inspections may be reduced with approval from the WSDOT Engineer for Work activities that are determined to have no risk to the environment.

2.8.3.2.1 Trained Fish Moving Personnel (TFMP)

The Design-Builder shall provide Trained Fish Moving Personnel as referenced in the WSDOT *Fish Exclusion Protocols and Standards* (Appendix 4), equipment, and materials necessary to assist the WSDOT Supervising Biologist with moving fish from the in-stream work zone. The equipment and materials shall include, but is not limited to; electro-fishing equipment, block nets, pea gravel bags, t-posts, buckets, dip nets, crowding nets, and minnow traps. The Design-Builder shall provide 2 TFMP and assisting staff per site as adequate. The TFMP shall work under the direction of the WSDOT Supervising Biologist and shall possess all qualifications listed in WSDOT *Fish Exclusion Protocols and Standards* (Appendix 4) for the TFMP.

2.8.4 Environmental Compliance Plans

The Design-Builder shall prepare and implement an Environmental Compliance Plan (ECP), that identifies roles and responsibilities of the ECM and ECI, procedures for environmental compliance, procedures to identify and correct noncompliant events, and procedures for emergency response. WSDOT's goal is to ensure environmental compliance without receiving any noncompliance notifications.

2.8.4.1 Interim Environmental Compliance Plan

To facilitate preliminary field investigation in support of design and early construction (early Work), the WSDOT Engineer will accept an Interim Environmental Compliance Plan (IECP) specific to the proposed early Work. The

IECP shall include all applicable information for construction in the locations where early Work will occur, including a description of Work to occur. The information provided in the IECP shall be incorporated and modified as necessary into the Draft and Final ECP when submitted to WSDOT in accordance with this Section.

For proposed early Work, the Design-Builder shall submit an IECP to the WSDOT Engineer for Review and Comment 14 Calendar Days prior to the start of early Work. The Design-Builder shall obtain all necessary permits and modifications to existing permits needed to complete the early Work. The Design-Builder shall provide notification to regulatory agencies as required by permits applicable to locations where early Work will occur. The IECP shall, at a minimum, include the following plans and documents prior to the start of early Work:

- TESC Plan
- SPCC Plan
- Update WQMPP or water quality monitoring plan (if the early Work will occur in-water) (Developed in Phase 1).
- Fugitive Dust Control strategy or plan
- *Unanticipated Discovery Plan* (Developed during Phase 1)
- Additional permits and modifications to existing permits obtained by the Design-Builder, plans, and Reference Documents applicable to early Work and locations

2.8.4.2 Environmental Compliance Plan

The Design-Builder shall provide the WSDOT Engineer with a complete Draft ECP prior to or with the Final Design Submittal. The ECM shall be responsible for preparing and submitting the Draft ECP to WSDOT for Review and Comment. The Design-Builder shall provide the WSDOT Engineer with the Final ECP 10 Calendar Days prior to the commencement of any construction activities not otherwise identified within the IECP for Review and Comment. The Design-Builder shall resolve all comments before the ECP may be Released for Construction (RFC). The Design-Builder shall stamp and sign the ECP RFC. The ECP shall be consistent with all other requirements of the Quality Management Plan (QMP).

The ECP shall consist of three parts as described in this Section:

- Part I: Environmental Roles, Communications, and Training
- Part II: Environmental Plans and Strategies
- Part III: Environmental Compliance, Monitoring and Reporting

The Final ECP shall be stored in a format easily accessible by WSDOT. The ECP shall be maintained by the ECM at the Design-Builder's construction office and on-site at each Culvert Site. The ECP shall be updated throughout the life of the

1 Project to reflect changes resulting from permit modifications, Project design,
2 field conditions, or staffing.

3 **2.8.4.2.1 Part I: Environmental Roles, Communication, and Training**

4 **2.8.4.2.1.1 Environmental Communications Protocol**

5 As part of the ECP, the ECM shall develop, document, and implement an
6 environmental communications protocol. The environmental communications
7 protocol shall include, at a minimum:

- 8 • Organizational charts that identify the Design-Builder's ECM and other
9 personnel who will be assisting the ECM to ensure compliance during
10 design and construction with all permit conditions, performance
11 standards, and environmental commitments.
- 12 • A narrative and flow chart depicting the process and strategies to be used
13 for noncompliance reporting including a list and contact information of
14 WSDOT, Design-Builder, tribal, and Governmental Body personnel that
15 would be contacted in the event of a spill, inadvertent discovery, or
16 noncompliance event.
- 17 • Roles and communication procedures that shall be used for internal and
18 external communications, and communications with WSDOT.

19 The Design-Builder shall ensure the environmental communications protocol
20 is consistent with WSDOT's ECAP (Design ECAP located in [Section](#) 225.05(1) of
21 the WSDOT *Design Manual* and Construction ECAP located in [Section](#) 1-07.5
22 of the WSDOT *Construction Manual*). The environmental communications
23 protocol shall also be consistent with the Project Communications Plan
24 required in Section 2.9, *Communications*.

25 **2.8.4.2.1.2 Environmental Meetings**

26 **2.8.4.2.1.2.1 Environmental Task Force Meetings**

27 The Design-Builder's ECM shall organize and implement weekly Environmental
28 Task Force Meetings during design and construction to ensure that the Project
29 design meets the Project environmental commitments, and to identify which
30 construction elements such as locations, Work activities, detours, weather
31 conditions, and times of day present the greatest risk to the environment and
32 surrounding communities. The requirement to meet weekly may be waived by
33 the WSDOT Engineer upon the request of the Design-Builder based upon Project
34 needs and risk. At the Environmental Task Force Meetings, the ECM shall discuss,
35 and review noncompliance events and challenges and lessons learned to avoid
36 and minimize future risk. WSDOT shall be invited to attend these meetings. The
37 ECM shall use the *Commitment Tracking List* (developed during the Phase 1
38 Services Period and included in the Culvert Bundle Amendment) and the
39 construction schedules to identify environmental PDB Contract requirements

pertaining to upcoming Work activities. The ECM shall review environmental commitments at each meeting to ensure they are implemented in daily Work activities.

2.8.4.2.1.3 Environmental Protection Training

The Design-Builder's ECM shall develop and implement an environmental protection training program for the Design-Builder's design and construction staff, QA personnel, Subcontractors, and vendors. The Design-Builder shall be responsible for all Work, including Subcontracted and supplied Work, and associated personnel should their Work practices lead to a negative effect on the environment or result in a noncompliant event or noncompliance notifications. Therefore, the Design-Builder's training program shall orient employees, Subcontractors, and all other parties brought onto the Project to complete Work in support of the Project to the following elements prior to the start of Work:

- Permit conditions, performance standards, environmental PDB Contract requirements, Unanticipated Discovery Plan and environmental Applicable Law related to the Project
- The overall importance of environmental issues
- The specific environmental sensitivities of the Project
- Plans and protocols for the protection and management of birds.
- Keeping high pH and turbid water from reaching storm drains and surface water
- Recognizing High Visibility Fencing (HVF), High Visibility Silt Fence (HVSF), other BMPs, and their purpose
- Erosion and sediment control policies and procedures, applicable Standard Specifications, *WSDOT Temporary Erosion Control and Sediment Control Manual*, and certification(s)
- Proper handling, storage and disposal of concrete and waste products
- Environmental compliance monitoring and reporting procedures; this shall include WSDOT's Design and Construction ECAP
- Requirements of the noise variance(s) or exemption(s)
- Spill prevention, spill containment, location of SPCC Plan, and location of spill response kits
- Management of known or suspected Hazardous Materials
- Plan and procedures for management of unanticipated historic or archaeological discoveries
- Emergency response procedures
- Plans and protocols for the protection and management of birds

The Design-Builder's ECM shall submit the environmental protection training curriculum to the WSDOT Engineer for Review and Comment 14 Calendar Days prior to the first training. In addition, the Design-Builder shall notify the WSDOT Engineer of environmental training sessions and invite WSDOT to participate.

The Design-Builder shall ensure staff are trained to sample stormwater in compliance with the National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit and surface water to comply with the State water quality standards contained in Washington Administrative Code (WAC) 173-201A, Project-specific permit conditions, performance standards, and environmental commitments. This training shall include a field visit with WSDOT environmental staff prior to construction to establish sample locations and to review monitoring and reporting procedures.

2.8.4.2.2 Part II : Environmental Compliance Plans

2.8.4.2.2.1 Temporary Erosion and Sediment Control Plan

The Design-Builder shall prepare and implement a TESC Plan that describes measures to prevent and minimize erosion and the discharge of pollutants during construction activities.

The TESC Plan (narrative and plan sheets) shall be prepared and implemented in accordance with the WSDOT *Temporary Erosion and Sediment Control Manual* and Division 8 of the Standard Specifications. The WSDOT *Temporary Erosion and Sediment Control Manual* and additional guidance are available online at the WSDOT Erosion control policies & procedures webpage.

The TESC Plan shall address how off-site stormwater shall be intercepted and piped through or around the Culvert Site, and address onsite erosion and sediment risks and provide contingencies for how to minimize and reduce site-specific risks. The Design-Builder's TESC Plan shall accommodate all Project-specific permit conditions, performance standards, and environmental commitments.

The Design-Builder shall submit a TESC Plan that addresses early Work elements as a part of the Preliminary Design Submittal. Updated TESC Plans, including narrative and plan sheets, shall be submitted as part of the Final Design Submittal described in TR Section 2.28, *Quality Management Plan*. Construction shall not proceed on any element of Work until the relevant TESC Plans, including narratives, are stamped "Released for Construction" as described in TR Section 2.28, *Quality Management Plan*.

The TESC Plan design shall be prepared under the direction of a Professional Engineer and shall carry the Professional Engineer's stamp.

The temporary drainage facility design shall consider traffic safety during construction including, but not limited to, consideration of gutter flow spread

1 along the roadway shoulder. Gutter flow spread for the temporary drainage
2 facility design shall meet the WSDOT *Hydraulics Manual* requirements that apply
3 to the permanent facility.

4 See Section 2.14, *Hydraulics* for additional TESC requirements.

5 **2.8.4.2.2.1.1 High Visibility Construction Fencing Requirements**

6

7 Within the Project limits (including staging areas, borrow sources, and other sites
8 developed or used to support the construction of the Project), all Sensitive
9 Areas, including other protected waters, and their buffers that are not permitted
10 for impact shall be fenced with HVF or HVSF prior to commencing construction
11 activities, including geotechnical borings, equipment staging, materials storage,
12 and parking of workers' vehicles. The Design-Builder shall identify the Sensitive
13 Areas to be protected in the plan sheets. The Design-Builder shall install and
14 maintain the HVF and HVSF and ensure protection of the Sensitive Areas in
15 accordance with Sections 8-01.3(1), 9-14.6(8), and 9-14.6(9) of the Standard
16 Specifications. If the Project will be constructed in stages, the HVF and HVSF and
17 other markings described below shall be completely installed before
18 construction on that stage begins.

19 No other Work shall be performed by the Design-Builder until the WSDOT
20 Engineer has had an opportunity to verify the installation of the HVF and HVSF.
21 Installation of the HVF/HVSF is identified as a Hold Point in accordance with TR
22 Section 2.28, *Quality Management Plan*. Throughout the life of the Project, the
23 Design-Builder shall preserve and protect the Sensitive Area, acting immediately
24 to repair or restore any HVF or HVSF that has been damaged or removed.

25 WSDOT maintenance activities may occur behind the HVF and HVSF.

26 **2.8.4.2.2.1.2 Best Management Practices**

27 The Design-Builder shall select, install, inspect, maintain, and remove all erosion
28 and sediment control BMPs in accordance with the requirements described in
29 Sections 8-01 and 9-14 of the Standard Specifications, the WSDOT Temporary
30 Erosion Control and Sediment Control Manual (Appendix 4), and the
31 Commitment Tracking List (developed during the Phase 1 Services Period and
32 included in the applicable Culvert Bundle Amendment). The Design-Builder shall
33 only use BMPs that are listed in the WSDOT Temporary Erosion Control and
34 Sediment Control Manual, or Ecology's Stormwater Management Manual(s) for
35 Western Washington. BMPs not listed in the manuals must be approved by
36 Ecology. Additionally, if the Design-Builder plans to use chemical treatment, they
37 shall submit Form ECY 070-258, *Request for Chemical Treatment* to Ecology prior
38 to use.

1 **2.8.4.2.2.2 Spill Prevention, Control, and Countermeasures Plan**

2 The Design-Builder shall prepare a Project-specific SPCC Plan that will be used for
3 the duration of the Project. The SPCC Plan shall contain all necessary information
4 for managing accidental Hazardous Material spills and it shall be in accordance
5 with the *SPCC Plan Requirements for Design-Build Projects* (provided in Appendix
6 4). It shall include all information required in the current version of the SPCC Plan
7 Template available online at the WSDOT Hazardous materials webpage.

8 The Design-Builder shall submit the SPCC Plan to the WSDOT Engineer as part of
9 the ECP in accordance with the requirements described in this Section. No on-
10 site construction activities, including placing materials or equipment in staging or
11 storage areas, may commence until WSDOT has had the opportunity to Review
12 and Comment on the SPCC Plan for the Project.

13 **2.8.4.2.2.3 Water Quality Monitoring**

14 **2.8.4.2.2.3.1 *Monitoring Plan for In-Water Work***

15 The Design-Builder shall prepare a water quality monitoring plan and submit it to
16 the WSDOT Engineer for Review and Comment. The water quality monitoring
17 plan shall identify how the Design-Builder will comply with State water quality
18 standards contained in WAC 173-201A and authorized by 33 U.S.C. Section 1313
19 and by Revised Code of Washington (RCW) 90.48. WSDOT has additional
20 resources developed in collaboration with Ecology for preparing a water quality
21 monitoring plan and sampling water quality, which is available online at the
22 WSDOT Stormwater & water quality webpage (Final design tab):
23 [https://wsdot.wa.gov/engineering-standards/environmental-](https://wsdot.wa.gov/engineering-standards/environmental-guidance/stormwater-water-quality)
24 [guidance/stormwater-water-quality.](https://wsdot.wa.gov/engineering-standards/environmental-guidance/stormwater-water-quality)

25 At a minimum, the Design-Builder's water quality monitoring plan shall include
26 the following:

- 27 • Description and location of in-water Work activities
- 28 • BMPs and procedures used to protect water quality during Work occurring
- 29 in waters of the State
- 30 • Applicable water quality standards and parameters
- 31 • Sampling locations, equipment, and monitoring frequency
- 32 • Name(s) and phone number(s) of the person(s) responsible for on-site
- 33 monitoring and reporting
- 34 • Documentation and reporting protocols
- 35 • Map showing sampling locations
- 36 • Monitoring form for recording sample results in the field

The Design-Builder shall submit the water quality monitoring plan as part of the Design-Builder's ECP to WSDOT for Review and Comment 14 Calendar Days prior to beginning construction.

If monitoring shows the Work is out of compliance, the Design-Builder shall immediately stop the in-water Work causing noncompliance with the water quality standard and notify the WSDOT Engineer. The Design-Builder shall provide the sampling results to WSDOT on a weekly basis during in-water construction. The Design-Builder shall update the water quality monitoring plan during construction of the Project to address changes required to meet water quality standards. The Design-Builder shall submit updates to the water quality monitoring plan to the WSDOT Engineer.

2.8.4.2.2.3.2 *National Pollutant Discharge Elimination System Construction Stormwater General Permit Sampling*

The Design-Builder shall be responsible for all discharge sampling and reporting requirements to comply with the NPDES Construction Stormwater General Permit Special Conditions S4. Monitoring Requirements, Benchmarks, and Reporting Triggers, and S5 Reporting and Recordkeeping Requirements.

2.8.4.2.2.4 *Bird Protection Plan*

The Design-Builder shall be responsible for following the Bird Protection Protocols and Standards for Migratory Bird Treaty Act Compliance (Appendix 4).

2.8.4.2.2.5 *Air Quality and Fugitive Dust Control*

The Design-Builder shall comply with all rules of local air pollution authorities. If there are none, air quality rules of Ecology govern the Work. Fugitive dust shall be controlled by the Design-Builder in accordance with the WSDOT *Environmental Manual* and Project-specific commitments.

2.8.4.2.2.6 *Unanticipated Discovery Plan*

The *Unanticipated Discovery Plan* developed by WSDOT, pursuant to Section 106 of the National Historic Preservation Act and the Statewide Section 106 Programmatic Agreement, has been provided in Appendix 4. The *Unanticipated Discovery Plan* shall be incorporated into the Design-Builder's ECP, prior to the start of construction.

2.8.4.2.3 *Part III: Environmental Compliance, Monitoring and Reporting*

As part of the ECP, the Design-Builder's ECM shall develop and implement a strategy for ensuring compliance with all environmental commitments and requirements during Project Work. The environmental compliance strategy shall include the strategy for reporting on environmental compliance and noncompliance to WSDOT, Design-Builder, tribal, and regulatory agency

personnel. The strategy shall include, at a minimum, the components described below.

2.8.4.2.3.1 Commitment Tracking List

WSDOT made commitments in the National/State Environmental Policy Act (NEPA/SEPA) environmental documents, permits, National Historic Preservation Act (Section 106), and Endangered Species Act (ESA) documents during the Phase 1 Services Period that contain a number of specific design and construction criteria.

The Design-Builder shall maintain the *Commitment Tracking List* developed during the Phase 1 Services Period by adding all commitments and/or permit conditions that apply as the Project progresses. This includes permit modifications or additional approvals obtained by WSDOT or the Design-Builder. The Design-Builder shall review all permits, and NEPA/SEPA documentation, and all other pertinent documents to ensure all commitments are captured.

The commitments included in the *Commitment Tracking List* shall be incorporated into the design submittals and RFC Documents for the applicable Culvert Bundle.

The Design-Builder shall:

- Track noncompliance events
- Implement and report on the fulfillment of these commitments

2.8.4.2.3.2 Post-Construction Monitoring

Within 7 Calendar Days of Culvert Bundle Substantial Completion of each Culvert Bundle, the ECM shall conduct final monitoring inspections to assess and document compliance with permitting requirements and other environmental commitments in the *Commitment Tracking List* developed during Phase 1 Services. Inspections shall address the successes, failures, and remedial actions for Site restoration and compensatory mitigation sites.

2.8.4.2.3.3 Environmental Commitment Close Out Report

The Design-Builder's ECM shall prepare an Environmental Commitment Close Out Report for each Culvert Bundle to summarize overall compliance with permit conditions, performance standards, and environmental commitments. At a minimum, each of the Design-Builder's Environmental Commitment Close Out Report shall include the following:

- Fulfillment descriptions completed for all permit conditions, performance standards, and environmental commitments
- The fulfillment description, which shall be detailed and specific enough to clearly describe and document how each individual commitment was met (e.g., by specific action, plan submittal, activity completion, design,

construction, operational milestone completion). The description shall include a date to indicate when each commitment was fulfilled.

- Long-term commitments that WSDOT will be required to manage following close out, for example future requirements for maintaining permanent BMPs (such as cleaning detention ponds)
- Other commitments the Design-Builder was unable to fulfill, and a description of the circumstances that prevent fulfillment.
- Significant compliance deficiencies, including all ECAP reports and notices of violation and penalties, that may have occurred during the duration of the Project and the corrective actions taken

The Environmental Commitment Close Out Report shall be submitted for Review and Comment by the WSDOT Engineer within 21 Calendar Days of Culvert Bundle Substantial Completion. Preparation of the Environmental Commitment Close Out Report shall be consistent with all other requirements of the Design-Builder's QMP.

2.8.5 Environmental Documentation

2.8.5.1 National Environmental Policy Act and State Environmental Policy Act Documentation

The Design-Builder shall not design or construct the Project in such a way that causes impacts to the environment or surrounding communities beyond those identified in the environmental documentation and authorized by permit and associated Governmental Approvals. If the Design-Builder designs or constructs the Project in such a way that causes different impacts to the environment or surrounding communities than determined during Phase 1 Services, additional NEPA/SEPA documentation may be required. If required, the Design-Builder shall be responsible for providing any additional information necessary to support the NEPA/SEPA analysis.

The environmental review process shall follow the WSDOT *Environmental Manual* and 23 CFR 636.109 and 23 CFR 771. WSDOT will coordinate with all applicable Governmental Bodies, Tribes, and stakeholders as part of any environmental documentation process. Final determination regarding the necessity of additional environmental documentation shall be made by WSDOT and the Federal Highway Administration (FHWA).

All environmental documentation shall be subject to written approval by WSDOT and FHWA.

2.8.5.2 Permits and Approvals

The Design-Builder is responsible for acquiring all environmental permits and approvals identified in Appendix 3 Table 3-1 included in the PDB contract.

2.8.5.2.1 Environmental Approvals Acquisition

The Design-Builder shall acquire any outstanding Governmental Approvals listed in Culvert Bundle Amendment and any other required environmental approvals not acquired during the Phase 1 Services Period in accordance with Section 6.6 of this PDB Contract.

2.8.5.2.2 Permit Compliance, Modifications, and Additional Approvals

The Design-Builder shall follow the requirements of all permits, approvals, and commitments referenced in this Section, Appendix 2 and Appendix 3 Table 3-1 of this PDB Contract, and any other permits that are obtained for the Project. The Design-Builder shall provide the WSDOT Engineer with notice of its intent to propose an alternative construction method or a Design and Construction Requirements change that is inconsistent with a particular permit, environmental requirement, or commitment, in accordance with the process outlined in the Design-Builder's Quality Management Plan. WSDOT will work with the Design-Builder and will bring final detailed proposals provided by the Design-Builder to re-initiate ESA consultation or Section 106 consultation as required. The Design-Builder shall be responsible for preparing any additional environmental documentation needed to secure the additional environmental approvals required for implementation of the Project.

To secure permit modifications or additional permits or approvals:

- The Design-Builder's ECM shall, upon request, attend environmental coordination meetings between WSDOT, Governmental Bodies, Tribes, and other entities that may have an approval role.
- WSDOT will work with the Design Builder to identify any changes to the methods and means previously described as part of the original environmental documents and permit applications. The Design Builder will bring final detailed proposals to USACE, Ecology, WDFW and local regulatory agencies for permit modifications. WSDOT will bring detailed proposals provided by the Design Builder to reinitiate ESA or Section 106 consultation as required.
- The Design-Builder shall be responsible for preparing any additional environmental documentation needed to secure the additional environmental approvals required for implementation.

The Design-Builder is advised that there are Sensitive Areas throughout the Project limits that shall not be disturbed by construction activity unless specifically authorized by permits or environmental approvals.

The Design-Builder is advised that there may be previously unidentified cultural resources existing within the Project limits. In Connection with any proposed Design and Construction Requirements Change, the Design-Builder shall provide

the WSDOT Engineer 14 Calendar Days to Review and Comment on the revised Plans. After reviewing the Plans, WSDOT may require additional cultural resource investigations. All risk for schedule delay shall be borne by the Design-Builder and no Uncontrollable Circumstances relief shall be available in connection therewith. The need for and the delay time associated with cultural resources investigations goes up considerably with Work that is in close proximity to streams, and within undisturbed native soils.

2.8.5.3 Impact Area Line

The Impact Area Line was established to limit access to the area needed to construct each element of the Project.

Unless otherwise indicated in the Contract, Work shall not occur outside of the Impact Area Line.

2.8.5.4 Sensitive Areas

The Design-Builder shall conduct an independent verification prior to the installation of HVF and HVSF to confirm that all Sensitive Areas have been identified as follows:

- The Design-Builder shall install HVF and HVSF as shown in the RFC Documents around all Sensitive Areas that are not permitted for temporary or permanent impacts. Where construction activities occur ahead of permitted impacts, Sensitive Areas shall be protected as described in this section.

The Design-Builder shall not discharge dredge material or fill material into waters of the State, unless authorized by permit.

All impacts shall be accounted for in the total area impacts, and evaluated against the permits for impact.

2.8.5.4.1 Wetlands

Temporary impacts to wetlands and their buffers shall be restored by the Design-Builder in accordance with the permits, and permanent impacts shall be conducted in accordance with Governmental Approvals.

2.8.5.4.2 Streams

All Work in and around streams shall be conducted within the parameters of the Hydraulic Project Approval and all other Governmental Approvals.

2.8.5.4.3 Other Protected Waters

Impacts shall be restored or mitigated by the Design-Builder in accordance with the Governmental Approvals. The Design-Builder shall install HVF or HVSF

1 around other protected waters identified during the Phase 1 Services Period and
2 through the permitting process that have not been permitted for permanent
3 impact.

4 **2.8.5.4.4 Mitigation**

5 Design submittals for mitigation sites shall be prepared in accordance with the
6 WSDOT *Environmental Manual* (Appendix 4), WSDOT *Roadside Manual*
7 (Appendix 4), TR Sections 2.15, *Roadside Restoration*, and TR Section 2.28,
8 *Quality Management Plan*, the WSDOT *Plans Preparation Manual*, and the
9 WSDOT *Highway Runoff Manual*.

10 The Design-Builder shall ensure that the mitigation goals, objectives, and
11 performance criteria are achieved as required in the Governmental Approvals.

12 **2.8.5.4.5 Additional Impacts**

13 If the Design-Builder proposes changes that have the potential to result in
14 impacts that are not permitted during the Phase 1 Services, the Design-Builder
15 shall conduct field investigations to assess impacts to Sensitive Areas and to
16 determine if additional and previously unidentified Sensitive Areas are present. If
17 known or previously unidentified Sensitive Areas are present and would be
18 impacted by the proposed Design and Construction Requirements change, or if
19 previously unidentified Sensitive Areas are present that would be impacted, the
20 Design-Builder shall provide the WSDOT Engineer with all information necessary
21 to obtain a permit modification. This information shall include an assessment of
22 all Sensitive Area impacts based on the footprint of the Final Culvert Bundle
23 Design. The Design-Builder shall not impact these Sensitive Areas without
24 written authorization from the WSDOT Engineer. Authorization will not be
25 provided until Design-Builder has received modified permits from Governmental
26 Bodies and Tribes. The Design-Builder shall strive to include all additional
27 impacts to Sensitive Areas in a single submittal.

28 If the Design-Builder needs to Work outside the Impact Area Line, the Design-
29 Builder shall conduct a field investigation to determine if Sensitive Areas are
30 present. If a Sensitive Area exists, the Design-Builder shall determine if it has
31 been delineated and permitted for impacts.

32 **2.8.5.5 In-Water Work**

33 The Design-Builder shall ensure that all in-water Work is conducted within the
34 approved In-Water Work Window as prescribed in the Hydraulic Project
35 Approval and *Commitment Tracking List* (developed during the Phase 1
36 Services).

2.8.5.6 Protected Species

2.8.5.6.1 Threatened and Endangered Species

If the Design-Builder modifies design or construction activities included in the Culvert Bundle Amendment, ESA consultation may have to be re-initiated. If this occurs, the Design-Builder shall provide WSDOT the necessary information required for re-initiation of ESA consultation. If the design modifications create changes to the project that are beyond what is provided for in Governmental Approvals obtained during the Phase 1 Services that could affect ESA-listed species or critical habitats, or Essential Fish Habitat, but do not rise to the level of reinitiating consultation, a project update will be required. If project updates are needed, the Design-Builder shall prepare supporting documentation for the project update. WSDOT will take the lead in coordinating with the National Oceanic and Atmospheric Administration Fisheries and the United States Fish and Wildlife Service.

The Design-Builder shall provide WSDOT a report of any modifications to the project as described in the completed ESA consultation no less than every six months during the duration of the project. No construction shall occur related to changes or modifications that have the potential to affect ESA listed species or critical habitats in a manner, or to an extent, not previously considered until the potential project impacts on listed species are reassessed and the consultation process is re-initiated, if necessary.

2.8.5.6.2 Bird Protection Acts

This section is intentionally omitted.

2.8.5.7 Noise

2.8.5.7.1 Construction Noise

The Design-Builder shall implement mitigation measures for temporary noise impacts associated with construction activities in accordance with the local noise regulations. The Design-Builder shall obtain a nighttime noise variance or exemption from the required Local Agencies and shall comply with all noise variance and exemption conditions.

The Design-Builder shall be aware that the process to obtain noise variances or exemptions can be lengthy and shall submit the nighttime noise variance or exemption applications as soon as practicable. WSDOT will be available as a resource if the Design-Builder requests assistance during the variance approval process. Copies of all noise variances and applications shall be provided to the WSDOT Engineer.

2.8.5.7.2 Noise Walls

This Section is intentionally omitted.

2.8.5.8 Hazardous Materials

During Phase 1 Services, the Design-Builder shall have performed a thorough Hazardous Materials survey including, but not limited to, Asbestos-Containing Materials/Lead Based Paint (ACM/LBP) completed by a certified Asbestos Hazard Emergency Response Act (AHERA) inspector on all structures that will be demolished. The Design-Builder shall be responsible for filing a Notice of Intent with the Clean Air Agency prior to asbestos or demolition of any structure identified to have lead or asbestos.

If unknown contamination is discovered during construction, the Design-Builder shall notify the WSDOT Engineer immediately and shall follow the Soil Management Plan, if applicable, as well as all appropriate Applicable Law.

2.8.5.8.1 Asbestos

An asbestos Good Faith Investigation (GFI) shall be completed as part of the Phase 1 Services for this project to determine whether Asbestos Containing Material (ACM) and/or Presumed Asbestos Containing Material (PACM) are present in the existing conditions and whether such materials will be disturbed by the Work on this Project.

If the Design-Builder encounters asbestos that was not identified in the asbestos GFI report, they shall immediately notify the WSDOT Engineer.

The Design-Builder shall address asbestos in their Worker Health and Safety Plan as required in Section 6.15 of this PDB Contract to ensure the safety of all workers, visitors to the site, and the public in accordance with all applicable laws, rules, and regulations.

2.8.5.8.2 Underground Storage Tanks

If the Design-Builder encounters an Underground Storage Tank (UST) not identified in the Hazardous Materials Report, the Design-Builder shall stop Work in the immediate area and shall promptly notify the WSDOT Engineer in writing before the affected Work is performed. Such notification shall identify the conditions represented in the Contract Documents, the conditions encountered at the Site, and an explanation of the difference. If a UST is encountered, the Design-Builder shall follow all applicable rules and regulations associated with UST decommissioning and removal activities.

The Design-Builder shall dispose of construction waste material such as concrete or other harmful materials at approved sites in accordance with Sections 2-01, 2-02, and 2-03 of the Standard Specifications, and in accordance with all applicable State, Federal, and Local laws and regulations. The Design-Builder shall ensure that the Site is properly contained during construction so that contaminants do not

migrate off-site and so that the health and safety of all on-site personnel are protected during Work at the Site.

2.8.5.8.3 *Discovery of Unknown Hazardous Materials*

If unknown Hazardous Materials, are discovered during construction, the Design-Builder shall immediately notify the WSDOT Engineer.
The Design-Builder shall develop a Sampling and Analysis Plan (SAP) and shall perform the Work in compliance with all Applicable Law, as referenced on the WSDOT Environmental during construction webpage:
<https://wsdot.wa.gov/engineering-standards/construction/construction-guidance/environmental-during-construction>. The Design-Builder shall update the Worker Health and Safety Plan to minimize the effects of newly discovered Hazardous Materials in accordance with this PDB Contract. If unknown hazardous materials are identified on site, the Design -Builder will assess the implications to environmental permits and approvals and coordinate required environmental permit and approvals updates with WSDOT.

2.8.5.8.3.1 *Unknown Hazardous Materials in Soil – Handling, Reuse and Disposal*

If suspect Hazardous Materials are encountered through general field screening such as visual or olfactory, and/or field instruments, the Design-Builder shall stop work in the immediate area and notify the WSDOT Engineer. The WSDOT Engineer will determine the limits of the suspect contamination and direct the Design-Builder regarding the extent of remediation required.

The Design-Builder shall handle and store all suspect contaminated materials in a manner that prevents the spread of contamination to adjacent soil or water. The Design-Builder shall make space available for stockpiling material within the project limits. The Design-Builder shall not place additional material onto a stockpile after it has been sampled for disposal. Stockpiles awaiting sampling and analysis shall be segregated from other previously tested material.

The Design-Builder shall follow Ecology requirements for stockpile sampling. The Design-Builder shall provide a Hazardous Materials specialist with current 40-hour HAZWOPER certification and experience sampling contaminated material and report writing shall collect soil samples, and submit them to an accredited analytical laboratory meeting the requirements of Chapter [173-50 WAC](#). The WSDOT Engineer will determine the applicable laboratory analytical methods.

The Design-Builder shall develop a plan for reuse or disposal based on the finalized laboratory analytical results and submit to the WSDOT Engineer for Review and Comment. If laboratory analytical results indicate concentrations are below applicable cleanup levels (CULs), the Design-Builder shall determine how material may be reused or obtain acceptance for disposal of at an approved off-site inert waste landfill. If laboratory analytical results indicate the soil sample concentrations exceed applicable CULs, the Design-Builder shall obtain

acceptance for disposal at an approved off-site Subtitle D facility. If laboratory analytical results indicate the soil sample concentrations designate as Dangerous Waste, the Design-Builder shall follow the Dangerous Waste disposal regulations referenced on the WSDOT Environmental during construction webpage: <https://wsdot.wa.gov/engineering-standards/construction/construction-guidance/environmental-during-construction>. The Design-Builder shall obtain acceptance for disposal of Dangerous Waste at an approved off-site Subtitle C facility.

The Design-Builder shall provide the WSDOT Engineer with a copy of the shipping manifest or bill of lading for each load indicating the quantity of material hauled to disposal and bearing the disposal site operator's confirmation for receipt of each load of material.

2.8.5.8.3.2 *Unknown Hazardous Materials in Water – Handling, Discharge and Disposal*

If suspect Hazardous Materials are encountered through general field screening such as visual or olfactory, and/or field instruments, the Design-Builder shall stop work in the immediate area and notify the WSDOT Engineer. The WSDOT Engineer will determine the limits of the suspect contaminated water and direct the Design-Builder regarding the extent of remediation required.

The Design-Builder shall collect, handle, and store all suspect contaminated water in a manner that prevents the spread of contamination to adjacent soil or water. The Design-Builder shall provide sufficient cover, containment, and freeboard capacity to hold all suspect contaminated water encountered during construction and allow for water sampling activities and laboratory analytical test results to be received prior to discharge or disposal.

The Design-Builder shall follow Ecology requirements for water sampling. The Design-Builder shall provide a Hazardous Materials specialist with current 40-hour HAZWOPER certification and experience sampling contaminated material and report writing shall collect water samples and submit them to an accredited analytical laboratory meeting the requirements of Chapter [173-50 WAC](#). The WSDOT Engineer will determine the applicable laboratory analytical methods.

The Design-Builder shall develop a plan for discharge or disposal based on the finalized laboratory analytical results and submit to the WSDOT Engineer for Review and Comment. If analytical results indicate water sample concentrations are below applicable CULs, the Design-Builder may discharge in accordance with applicable discharge permits or Ecology Administrative Orders (AO). If laboratory analytical results indicate the water sample concentrations exceed applicable CULs, the Design-Builder shall obtain one of the following:

- Approval for treatment of water from WSDOT Engineer
- Acceptance for disposal at an approved off-site Subtitle D facility
- Acceptance for disposal utilizing a municipality's sanitary sewer system

If laboratory analytical results indicate the water sample concentrations designate as Dangerous Waste, the Design-Builder shall follow the Dangerous Waste disposal regulations referenced on the WSDOT Environmental during construction webpage <https://wsdot.wa.gov/engineering-standards/construction/construction-guidance/environmental-during-construction>. The Design-Builder shall obtain acceptance for disposal of Dangerous Waste at an approved off-site Subtitle C facility.

If laboratory analytical results indicate the water sample concentrations exceed applicable CULs or designate as Dangerous waste, all settled tank solids shall be managed per section

2.8.5.8.3.3 Unknown Hazardous Materials in Soil – Handling, Reuse and Disposal.

The Design-Builder shall provide the WSDOT Engineer with a copy of the shipping manifest or bill of lading indicating the quantity of contaminated water and settled solids hauled to disposal at an approved facility and bearing the disposal site operator's confirmation for receipt of the material.

2.8.5.9 Historic, Archaeological, and Cultural Preservation

A WSDOT archaeologist or their designee shall be present for ground disturbing activities that may intersect native soils to observe subsurface conditions and identify any buried archaeological materials that may be encountered at the following locations:

- ***\$1\$***

The Design-Builder shall notify the WSDOT Engineer at least 72 hours before each ground disturbing activity is started at these locations.

Any historic, archaeological, or cultural objects encountered by the Design-Builder shall not be further disturbed in accordance with Section 6.5 of the PDB Contract , *Unanticipated Discovery Plan* (Appendix 4).

If the Design-Builder elects to propose a change that would impact areas not previously analyzed; including geotechnical borings, conduit, junction box foundations, camera poles, drainage elements, and additional subsurface investigation; consultation with the Department of Archaeology and Historic Preservation, consulting parties, FHWA, and affected and interested tribes may be necessary. WSDOT reserves the right to take up to 14 Calendar Days to notify the Design-Builder if additional concurrence for the proposed Design and Construction Requirements change is required with other entities; and to complete field investigations. If this consultation is necessary, the Design-Builder shall plan on at least 180 Calendar Days of delay for re-consultation. It is unlikely this additional Work and coordination will be necessary for Work within roadway

1 fill. It is more likely to be required when working near streams and within
2 undisturbed native layers of soil.

3 **2.8.5.10 Environmental Justice (EJ)**

4 The Design-Builder shall conduct work as described, and adhere to the
5 Commitment Tracking List made, in the EJ analysis during Phase 1 Services. If
6 the planned Work changes (including additional ROW, added or changed
7 detours/alternative routes, schedule), the Design-Builder shall notify the WSDOT
8 Engineer of the change(s), and the Design-Builder shall perform the additional EJ
9 analysis necessary to reflect the changes. The Design-Builder shall work with the
10 WSDOT Engineer to ensure outreach materials are in all relevant Limited English
11 Proficiency languages and distributed appropriately to the identified populations
12 within the Project area.

13 **2.8.5.11 Disposal of Surplus Material**

14 All surplus excavation or other materials shall be properly characterized and
15 disposed of outside the Project limits or re-used in a manner that does not
16 impact sensitive resources such as wellhead protection zones, surface water
17 bodies, parks, and child-use areas.

18 Additionally, surplus material or other material shall not be disposed of or
19 reused in Sensitive Areas, or in any areas designated by the WSDOT Engineer to
20 be Sensitive Areas. All trucking tickets or other means of tracking where the
21 material was disposed of shall be provided to the WSDOT Engineer.

22 **2.8.5.12 Temporary Stream Diversion**

23 The Design-Builder shall submit a Temporary Stream Diversion Plan to the
24 WSDOT Engineer for Review and Comment 30 Calendar Days prior to any
25 temporary stream diversion Work and fish exclusion. This Work shall include
26 designing, installing, operating, maintaining, removing, and disposing of the
27 temporary stream diversion, in compliance with Contract requirements. The
28 Design-Builder shall note that the Hydraulic Project Approval HPA requires a
29 WDFW biologist or their designee to inspect and approve the new channel prior
30 to wetting the new channel. Plans to remove fish or allow for fish movement
31 through this area must be consistent with the WSDOT *Fish Exclusion Protocols*
32 *and Standards* (Appendix 4). Dewatering the isolated in-water Work area shall
33 occur at a rate slow enough to allow the trained fish moving personnel to safely
34 capture and relocate all fish species and other aquatic organisms to avoid
35 stranding, and be consistent with the Fish and Aquatic Species Exclusion Plan.

36 This Work shall include designing, installing, operating, maintaining, removing,
37 and disposing of the temporary stream diversion, in compliance with the
38 *Mandatory Standards*, Applicable Law and the *Commitment Tracking List*.

39

2.8.5.13 Fish and Aquatic Species Exclusion and Notifications

The Design-Builder shall prepare a Fish and Aquatic Species Exclusion Plan in accordance with the WSDOT *Fish Exclusion Protocols and Standards* (Appendix 4) and include a description of the staging and sequence for work area isolation, fish capture and removal, and dewatering. The Plan shall consider the size and channel characteristics of the area to be isolated, the method(s) of dewatering, what sequence of activities will provide the best conditions for safe capture and removal of fish, and the approved in-water work window in accordance with the Hydraulic Project Approval. The Design-Builder shall notify the WSDOT Engineer 14 calendar days prior to fish moving activity.

2.8.5.14 Inspection and Maintenance

Dewatering the isolated in-water Work area shall occur at a rate slow enough to allow the TFMP to safely capture and relocate all fish species and other aquatic organisms to avoid stranding, as determined by the WSDOT Engineer.

Re-watering the Work area shall occur at a rate to avoid loss of surface water downstream while the new channel section water is restored. The Design-Builder shall minimize the potential for increased turbidity in accordance with State water quality standards and permit requirements

2.8.6 Submittals

The Design-Builder shall submit the following documents to the WSDOT Engineer as required by this PDB Contract and the permits obtained for the Project. At a minimum, shall include the following:

- IECF (if necessary)
 - TESC Plan
 - SPCC Plan
 - WQMPP or water quality monitoring plan (if the early Work will occur in-water)
 - Fugitive Dust Control strategy or plan
 - *Unanticipated Discovery Plan* (Developed during the Phase 1 Services Period)
 - Additional permits and modifications to existing permits obtained by the Design-Builder, plans, and Reference Documents applicable to early Work and locations
- ECP, including the following associated required plans and strategies:
 - TESC Plan
 - SPCC Plan

- 1 ○ WQMPP as required by the Section 401 *Water Quality Certification*
- 2 (if necessary), OR a water quality monitoring plan (if necessary)
- 3 ○ Soil and Groundwater Management Plan (if necessary)
- 4 ○ Plans for temporary stream diversion and fish and aquatic species
- 5 exclusion and handling
- 6 ○ Bird Protection Plan
- 7 ○ Fugitive Dust Control strategy or plan
- 8 ○ *Unanticipated Discovery Plan* (Developed during the Phase 1
- 9 Services Period)
- 10 • ACM/LBP Surveys Copies of approvals and notifications pertaining to
- 11 asbestos removal and demolition-related Work.
- 12 • Supplemental Noise Analysis Report (if necessary)
- 13 • Applications for Design-Builder obtained environmental permits and
- 14 approvals, and the resulting permits and approvals not completed during
- 15 Phase 1 Services
- 16 • Noise variance(s) or exemption(s) (if necessary)
- 17 • Environmental Commitments Close Out Report
- 18 • Various Construction Monitoring Reports as required in the permits
- 19 • Final wetland, stream, and buffer Mitigation Plans
- 20 • Final wetland, stream, and buffer Mitigation As Built Plans
- 21 • Work plans for stream bypass and fish exclusion and handling
- 22 • Dump tickets for any and all soils and materials removed as excess or
- 23 waste from the Culvert Sites.
- 24 • Copies of permits for all off-site disposal facilities to be used
- 25 • Construction log for noise
- 26 • Certifications of CESCL or CPESC personnel
- 27 • Site Log Book as required for the NPDES Construction Stormwater General
- 28 Permit
- 29 • Copies of DMRs submitted to Ecology
- 30 • ECAP Incident Reports through the duration of the Project
- 31 • Violation/Corrective Action Reports to regulatory agencies (if necessary)
- 32 • Notice of Violation or Notice of Penalty from regulatory agencies (if
- 33 received)
- 34 • UST Decommissioning and Closure Plans (if encountered)
- 35 • Soil Management Plan (if applicable)

At the request of the WSDOT Engineer, the Design-Build shall deliver to the WSDOT Engineer Work-related submittals that do not fit in the previous categories but are prepared in accordance with this Section.